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E-filed 8/31/06

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00389 JF
)	
Plaintiff,)	STIPULATION REGARDING
)	CONTINUANCE OF STATUS
v.)	CONFERENCE AND EXCLUDABLE
)	TIME AND [PROPOSED] ORDER
GILBERT GONCALVES,)	
)	
Defendant.)	

It is hereby stipulated and agreed between defendant Gilbert Goncalves, through his counsel H. Dean Steward, and the United States, through government counsel Assistant United States Attorney Hanley Chew, that trial in this matter be continued to Friday, October 27, 2006, at 10:00 a.m., that the status conference be continued until October 11, 2006, at 9:00 a.m., and that time be excluded from September 22, 2006, through and including October 27, 2006, under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., for the reasons set forth below:

1. The government has provided defendant with more than 2,200 pages of discovery as well as more than 30 tapes containing recorded conversations involving defendant. The defense therefore needs additional time to review this discovery and investigate facts related to

STIPULATION REGARDING CONTINUANCE OF STATUS CONFERENCE AND EXCLUDABLE TIME AND
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1 this discovery.

2 2. In addition, defense counsel has been, and is currently, in a death penalty trial in
3 federal court in Santa Ana, California, and is scheduled to begin the penalty phase of that death
4 penalty trial in September, 2006. As a result, the defense requests this continuance so that
5 defense counsel has sufficient time to prepare in light of both the discovery and his other federal
6 trial commitments and allow sufficient time to consult with the defendant to afford both adequate
7 time for preparation for trial.

8 3. Moreover, the parties have discussed a resolution of this case and have reached a
9 tentative disposition, pending approval from the Department of Justice. The government
10 anticipates that the additional time will enable it to obtain the necessary approval.

11 Based on the foregoing, the parties therefore stipulate and move the Court to continue the
12 status conference from September 8, 2006, at 10:00 a.m. to October 11, 2006 at 9:00 a.m., and
13 the trial from September 22, 2006 to October 27, 2006. The parties further stipulate to exclude
14 the time from September 22, 2006, through and including, October 27, 2006 under the Speedy
15 Trial Act because the parties believe that the ends of justice served by the granting of such a
16 continuance outweigh the best interests of the public and the defendant in a speedy trial,
17 particularly since reasonable time is needed for the defense to prepare for pretrial and trial
18 matters and for continuity of counsel, pursuant to 18 U.S.C. §§ 3161(h)(8)(A),
19 3161(h)(8)(B)(iv). IT IS SO STIPULATED.

20 Dated: August 18, 2006

KEVIN V. RYAN
United States Attorney

/s/

22 HANLEY CHEW
Assistant United States Attorney

23 Dated: August 18, 2005

/s/

25 H. DEAN STEWARD
Attorney for Defendant Goncalves

[PROPOSED] ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,
Pretrial

IT IS HEREBY ORDERED that the status conference set for September 8, 2006 is
continued to October 13, 2006 at 11:00 a.m. and the trial set for September 22, 2006 is continued
to October 27, 2006. In addition, the time from September 22, 2006 through October 27, 2006
shall be excluded from the computation period within which the trial must commence, for the
reasons and based upon the statutory provisions set forth by the parties in this Stipulation,
including that time is needed for effective defense preparation and for continuity of counsel. The
Court independently finds that the ends of justice outweigh the interests of the public and the
parties in a speedier trial based upon the grounds set forth above.

DATED: August 31, 2006


THE HONORABLE JEREMY FOGEL
United States District Judge